IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 12160 of 2004(V)

PETITIONER:

ABUL RAHIMAN, AGED 38 YEARS,
S/O.KUNJI MUHAMMED, PROPRIETOR, T.K.SONS SAW MILL,
TENUR P.O. TENUR, PALAKKAD.

BY ADV. SRI.K.ANAND.

RESPONDENTS:
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1. **THE KERALA STATE ELECTRICITY BOARD,**
   VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM,
   REP. BY ITS SECRETARY.

2. **THE DEPUTY CHIEF ENGINEER,**
   ANTI POWER THEFT SQUAD, K.S.E.B. TRIVANDRUM.

3. **THE ASSISTANT EXECUTIVE ENGINEER,**
   K.S.E.B. PALAKKAD.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.12160/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ELECTRICITY BILL FOR RS.1245 RECEIPT NO. 090 ISSUED TO THE PETITIONER.

EXT.P.2: COPY OF THE ELECTRICITY BILL FOR RS.63627/- DTD. 12/03/2004 ISSUED TO PETITIONER.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH , J

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W.P.(C) NO. 12160 OF 2004

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Dated this the 10th day of August, 2007.

JUDGMENT

The writ petition is filed mainly with the following prayer:

> issue a writ of mandamus, commanding the respondents to restore the electric connection to the petitioner's saw mill forthwith.

2. As far as penalty for unauthorised connected load is concerned, it is now settled law in view of the Bench decision of this Court in W.A No.1231/2003 that the penalty has to be limited to the fixed charge portion. It is held that there shall not be any penalty by way of proportionate energy charges. The impugned demands are quashed making it clear that the liability of the petitioner shall only be for the penalty for fixed charge portion. The revised demand shall be issued to the petitioner and the amounts already remitted by the petitioner shall be adjusted.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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